

BARCLAY DAMON LLP

Paul A. Sanders
Partner

April 15, 2021

VIA CM/ECF

Hon. Marian W. Payson
U.S. Magistrate Court Judge
Western District of New York
100 State St.
Rochester, NY 14614

Re: Silvon S. Simmons v. Joseph M. Ferrigno, II, et al.
WDNY Civil No.: 17-cv-6176-MAT
Our File No.: 3095688

Dear Judge Payson:

My firm represents defendants ShotSpotter, Inc., SST, Inc., and Paul C. Greene (the “ShotSpotter defendants”), in the above-referenced matter.

We are in receipt of Plaintiff’s Third Motion to Compel Discovery and for Sanctions filed by Plaintiff Silvon S. Simmons on March 17, 2021 (*Dkt.* 69). Plaintiff’s motion is solely directed against the City of Rochester defendants¹ and seeks (among other relief) a 60 day extension of the Scheduling Order. Once again, Plaintiff did not meet and confer with the ShotSpotter defendants regarding an extension of the Scheduling Order.

In view of the prior extensions of Scheduling Order, the ShotSpotter defendants oppose Plaintiff’s motion and respectfully ask the Court not to grant further extensions. The ShotSpotter defendants have complied with the existing schedule and diligently and proactively coordinated with the other parties to complete fact discovery.

If the Court is inclined to issue a Fourth Amended Scheduling Order, we respectfully request that it extend the deadlines no more than 30 days. If the Court is inclined to grant a longer extension due to discovery relating to the City of Rochester defendants, we respectfully request that it bifurcate discovery as to Plaintiff’s claims against the ShotSpotter defendants and limit any extension as to the discovery between Plaintiff and the ShotSpotter defendants to no more than 30 days. The Scheduling Order has already been extended multiple times and the ShotSpotter defendants are eager to promptly complete discovery and wish to avoid further delays in bringing this case to resolution.

¹ Joseph M. Ferrigno, II, Samuel Giancursio, Mark Wiater, Christopher Muscato, Robert Wetzel, Michael L. Ciminelli, and City of Rochester

Hon. Marian W. Payson
April 15, 2021
Page 2

Thank you for Your Honor's consideration of this request.

Respectfully submitted,



Paul A. Sanders

PAS:np

cc: Charles F. Burkwit, Esq. (via CM/ECF)
John M. Campolieto, Esq. (via CM/ECF)
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